

S.B.CIVIL WRIT PETITION NO.1868/2007

Girdhar Singh
v.
State of Rajasthan & Ors.

Date of Order :: 23rd July, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Ravindra Singh, for the petitioner.
Mr. N.K.Chandak, for the respondents.

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To assail validity, propriety and correctness of the order dated 19.3.2007 passed by the Divisional Commissioner, Jodhpur exercising powers under Section 300 of the Rajasthan Municipalities Act, 1959, this petition for writ is preferred.

In brief, facts of the case are that the Municipal Board, Pokran on 12.4.2004 notified for auction of certain plots including plot in question auction of that was to be made on 28.5.2004. The Municipal Board instead of holding auction on 28.5.2004 sold the same to the petitioner by auction on 26.5.2004. The Collector, Jaisalmer under an order dated 12.12.2005 quashed the entire auction proceedings and sale made in favour of the petitioner being illegal as the auction took place on 26.5.2004 instead the date notified that was 28.5.2004. Being aggrieved by the same the petitioner preferred a revision petition before the Divisional Commissioner, Jodhpur that came to be rejected by the order

impugned. The Divisional Commissioner by the order impugned while affirming the order passed by the Collector, Jaisalmer dated 12.12.2005 held that the Municipal Board, Pokran committed a grave irregularity by preponing the auction proceedings from the date notified that was 28.5.2004.

while assailing validity of the order passed by the Collector as well as by the Divisional Commissioner, Jodhpur the contention of counsel for the petitioner is that though 28.5.2004 was notified for holding auction but prior to that a general notice was affixed at the site for holding auction on 26.5.2004, as such there was no illegality in the auction proceedings in question.

I do not find any merit in the contention so raised. The Municipal Board, Pokran notified 28.5.2004 as a date fixed for holding auction proceedings and same was published in various news papers. A wide publicity was given to hold auction proceedings on 28.5.2004 and the same was changed by mere affixing a general notice at the site for holding auction on 26.5.2004. If the Municipal Board for any reason wanted to prepone the date of auction proceedings then the appropriate course was to notify the date preponed by giving it a wide publicity as done while notifying 28.5.2004 as date for holding auction. The change of the date for auction by mere affixing a notice at the

site in the instant matter does not appear to be bonafide.

Thus, I do not find any error in decision of the Collector, Jaisalmer 12.12.2005 affirmed by the Divisional Commissioner, Jodhpur vide order dated 19.3.2007. No interference, therefore, is warranted by this Court under Articles 226 and 227 of the Constitution of India. The writ petition is accordingly dismissed.

(GOVIND MATHUR),J.

Kkm/ps .